

Appln No. 09/838,695
Amdt date October 4, 2004
Reply to Office action of July 2, 2004

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested. Claims 1-43 are now in the application. Claims 1, 10, 20, 31, 36-38, 41 and 42 have been amended. No Claims have been added or canceled by this amendment.

In the specification, the paragraph beginning on page 1, line 27 and ending at page 2, line 3 has been amended to correct a minor typographical error.

The Examiner has rejected Claims 1-43 under 35 U.S.C. §102(e) as being anticipated by Akatsu et al. (US patent 6,633,547) ("Akatsu").

The Applicant has amended Claim 1 to call in part for, "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs". As such, the Applicant submits that Claim 1 is not anticipated by Akatsu under 35 U.S.C. §102(e).

Akatsu does not disclose a master persistence attribute such that, when assigned to a dominant program, that dominant program is capable of displaying data concurrently with other programs while not being obscured by the other programs as currently claimed in Claim 1 of the present application. Akatsu generally discloses "communication and control technologies [for] home entertainment systems" (Col. 1, lines 28-30). More specifically, Akatsu discloses an improvement over the prior art

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where "home electronic devices, such as the compact disk (CD) player, digital-video disc (DVD) player, gaming systems, surround sound audio systems, hand held video cameras, etc." (Col. 1, lines 39-42) were connected and disconnected from a viewing apparatus such as a television using "switch boxes [which] were employed to cut down on the complexity of the interconnections between various devices" (Col. 1, lines 47-49).

In short, Akatsu discloses a method of arbitration whereby data from one of these devices at a time can be routed to a viewers home entertainment system and displayed. Akatsu does not disclose concurrent display of data, nor does it disclose a master persistence attribute which prevents one concurrent display from being obscured by another. The examiner cites column 6, lines 5-30 in support of the arbiter of claim 1. (Office action, p.2). However, Akatsu discloses in this section that "[a] physical layer 412 provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added)

Because Akatsu does not disclose "assigning the master persistence attribute to the dominant program, wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs" as currently claimed in amended claim 1 of the present application, the Applicant submits that Claim 1 is not anticipated by Akatsu under 35 U.S.C. §102(e).

Claims 2-9 are dependent on Claim 1. As such, Claims 2-9 are believed allowable based upon Claim 1 and for the additional limitations contained therein.

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The Applicant has amended Claim 10 to call in part for "the persistence attribute enabling a program upon receipt to display data concurrently with other programs while not being obscured by the other programs" (emphasis added). Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, the Applicant submit that Claim 10 is not anticipated by Akatsu under 35 U.S.C. §102(e). Claims 11-19 and 23-25 are dependent on Claim 10. As such, Claims 11-19 and 23-25 are believed allowable based upon Claim 10 and for the additional limitations contained therein.

The Applicant has amended Claim 20 to call for "[a] dominant program [which] displays data concurrently with other programs while not being obscured by the other programs". Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, The Applicant submits that Claim 20 is not anticipated by Akatsu under 35 U.S.C. §102(e). Claims 21, 22, and 26-30 are dependent on Claim 20. As such, Claims 21, 22, and 26-30 are believed allowable based upon Claim 20 and for the additional limitations contained therein.

The Applicant has amended Claim 31 to call for (underlining added for emphasis) ...

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"an arbiter coupled with the display controller, the arbiter effecting the selectively transmitting by granting a persistence attribute according to a predetermined priority scheme to a window for displaying data on the display, the display controller selectively transmitting responsive to the arbiter,

wherein the video output writes data to a set of pixel memory locations which are later read by the display, and

wherein a window which has been granted the persistence attribute by the arbiter has exclusive access to a portion of the set of pixel memory locations"

Akatsu does not disclose a window which may be granted exclusive access to a portion of a set of pixel memory locations as currently claimed in amended claim 31. While Akatsu discloses an arbitration service which routes data to a display, data which is arguably stored in pixel form, this data is not displayed in a window which has access to a portion, rather than the entirety, of a set of pixel memory locations. As such, The Applicant submits that Claim 31 is not anticipated by Akatsu under 35 U.S.C. - §102(e). Claims 32-36 are dependent on Claim 31. As such, Claims 32-36 are believed allowable based upon Claim 31 and for the additional limitations contained therein.

The Applicant has amended Claim 37 to call for "wherein at least one of the plurality of dominant application programs displays data concurrently with other programs while not being

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obscured by the other programs". Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, The Applicant submits that Claim 37 is not anticipated by Akatsu under 35 U.S.C. §102(e).

The Applicant has amended Claim 38 to call for "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs". Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, The Applicant submits that Claim 38 is not anticipated by Akatsu under 35 U.S.C. §102(e). Claims 39 and 40 are dependent on Claim 38. As such, Claims 39 and 40 are believed allowable based upon Claim 38 and for the additional limitations contained therein.

The Applicant has amended Claim 41 to call for "wherein at least one of the plurality of dominant application programs displays data concurrently with other programs while not being obscured by the other programs". Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, The Applicant submits that Claim 41 is not anticipated by Akatsu under 35 U.S.C. §102(e).

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The Applicant has amended Claim 42 to call for "wherein the dominant program displays data concurrently with other programs while not being obscured by the other programs". Akatsu, on the other hand, discloses "[a] physical layer 412 [which] provides an arbitration service to ensure that only one node at a time is sending data." (Col. 6, lines 8-10, emphasis added). As such, The Applicant submits that Claim 42 is not anticipated by Akatsu under 35 U.S.C. §102(e). Claim 43 is dependent on Claim 42. As such, Claim 43 is believed allowable based upon Claim 42 and for the additional limitations contained therein.

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Entry of the amendment and reconsideration and reexamination of the above Application is requested.

The enclosed PTO-1449 forms were submitted by the Applicant on September 19, 2001 and October 16, 2001. The references listed thereon have not been initialed by the Examiner. It is respectfully requested that the Examiner return these forms to the Applicant after initializing the references indicating that they were expressly considered by the Examiner.


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Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Colin T. Dorrian
Reg. No. 54,658
626/795-9900

CTD/srh

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 19, 2001.

Kristen M. Geraci
Kristen M. Geraci

Applicant : Michael Dove
Application No. : 09/838,695
Filed : April 19, 2001
Title : APPARATUS AND METHOD FOR PERSISTANT
DISPLAY INTERFACE
Grp./Div. : 2151
Examiner : To be assigned
Docket No. : 37618/JFO/B600

INFORMATION DISCLOSURE STATEMENT AND
CERTIFICATION UNDER § 1.97(e)(1)

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
September 19, 2001

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO-1449 with a listing of references that are known to applicant. Copies of each of the listed references are enclosed. Also enclosed is a copy of the International Search Report which issued in the corresponding PCT application.

It is respectfully requested that these references be considered in the examination of this application and identified on the list of references cited on the patent issuing on this application. Applicant also requests that an initialed copy of said FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Applicant's undersigned attorney hereby certifies, in accordance with 37 CFR § 1.97(e)(1), that each item of information contained in the information disclosure statement was first cited

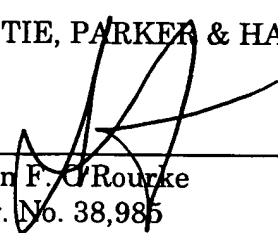
Application No.09/838,695

in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


John F. O'Rourke

Reg. No. 38,985

626/795-9900

JFO/kmg

Enclosures: PTO 1449, w/references
International Search Report

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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

| | |
|------------------------|----------------|
| Attorney Docket Number | 37618/JFO/B600 |
| Application Number | 09/838,695 |
| Filing Date | April 19, 2001 |
| Applicant(s) | Michael Dove |
| Group Art Unit | 2151 |
| Examiner Name | To be assigned |

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|--------------------|---------------|-----------------|-------|----------|-------------------------------|
| | 6,031,530 | 02/2000 | Trueblood | 345 | 342 | |
| | 6,005,575 | 12/1999 | Colleran et al. | 345 | 344 | |
| | 5,640,498 | 06/1997 | Chew | 395 | 133 | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | PUBLICATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUBCLASS | TRANSLATION | |
|----------------------|--------------------|---------------------|-----------------------------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | 0585191 | 03/1994 | European Patent Office | | | | |
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OTHER DOCUMENTS

| EXAMINER INITIALS | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
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| EXAMINER SIGNATURE | | DATE CONSIDERED | |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | |

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on October 16, 2001.


Deborah M. Meredith

Applicant : Michael Dove
Application No. : 09/838,695
Filed : April 19, 2001
Title : APPARATUS AND METHOD FOR PERSISTENT
DISPLAY INTERFACE
Grp./Div. : 2151
Examiner : Not Yet Assigned
Docket No. : 37618/JFO/B600

**INFORMATION DISCLOSURE STATEMENT WITH FEE
UNDER 37 CFR §§ 1.97(c) and 1.17(p)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
October 16, 2001

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO-1449 listing the references that are known to applicant. Copies of each of the listed references are enclosed.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Enclosed is the processing fee of \$180 as required by 37 CFR §1.17(p). The Commissioner is hereby authorized to charge any fees which may be required by this paper

Application No. 09/838,695

to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction. **A copy of this paper is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

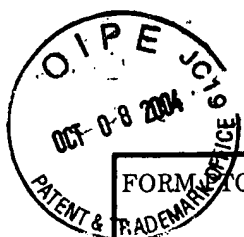
By 

John P. O'Rourke
Reg. No. 38,985
626/795-9900

JFO/dmm

Enclosures: Check \$180
Copy of IDS
PTO-1449, w/references

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FORM PTO-1449

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

| | |
|------------------------|------------------|
| Attorney Docket Number | 37618/JFO/B600 |
| Application Number | 09/838,695 |
| Filing Date | April 19, 2001 |
| Applicant(s) | Michael Dove |
| Group Art Unit | 2151 |
| Examiner Name | Not Yet Assigned |

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|--------------------|---------------|--------------------|-------|----------|-------------------------------|
| | 5,469,540 | 11/1995 | Powers, III et al. | 395 | 158 | |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | PUBLICATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUBCLASS | TRANSLATION | |
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OTHER DOCUMENTS

| EXAMINER INITIALS | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
|----------------------|--|
| | <u>Apple Computer, Inc. v. Articulate Sys., Inc.</u> , 234 F.3d 14, 57 U.S.P.Q.2d (BNA) 1057 (Fed. Cir. 2000) |
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| EXAMINER SIGNATURE | | DATE CONSIDERED | |
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